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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,798	11/26/2003	Ajit Lalvani	117-485	6314

23117 7590 03/22/2005

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EXAMINER

SWARTZ, RODNEY P

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,798

Applicant(s)

LALVANI ET AL.

Examiner

Rodney P. Swartz, Ph.D.

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1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12,14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 1,7,14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26November2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/03,12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

1. Applicants' Response to Restriction, received 3 December 2004, is acknowledged.

Applicants elect, without traverse, Invention I, claims 1-12 and 14-18, drawn to method of identifying CD8 T-cells using polypeptide and a kit, classified in class 436, subclass 501.

Claims 13 and 19-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claims 2, 13, 15, and 19-27 have been cancelled. Claims 1, 3, and 16 have been amended.

2. Claims 1, 3-12, 14, and 16-18 are pending and under consideration.

### **Priority Statement**

3. The statement at the beginning of the specification must be updated to reflect that App. No. 09/916,201 is now abandoned.

### **Specification**

4. The disclosure is objected to because of the following informalities:

Throughout the entire specification, there are numerous instances where "recognised" should be "recognized" and "recognises" should be "recognizes",

Page 1, line 27, what is meant by "with or more peptides",

Page 4, line 24, "pre-sensitised" should be "presensitized",

Page 5, line 15, "immobilised" should be "immobilized",

Page 7, line 6, "immortalised" should be "immortalized"; line 7, what is an "empty MHC"; line 10, the parentheses should be removed,

Page 11, line 20, the first "pharmaceutically" should be "pharmaceutical",

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Page 14, line 12, "immobilised" should be "immobilized"; line 15, "synthesised" should be "synthesized",

Page 15, lines 1, 12, "immobilised" should be "immobilized",

Appropriate correction is required.

### **Claim Objections**

5. Claim 1, line 6, is objected to because of the following informalities: "recognises" should be "recognizes". Appropriate correction is required.

6. Claim 7, line 2, is objected to because of the following informalities: "immobilised" should be "immobilized". Appropriate correction is required.

7. Claim 14, line 5, is objected to because of the following informalities: "recognises" should be "recognizes". Appropriate correction is required.

8. Claim 18, line 1, is objected to because of the following informalities: "immobilised" should be "immobilized". Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1, 3-12, 14 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1, 3, 14, and 16 recite "peptides represented by" specific sequence identifiers. It is unclear what is meant by "represented by". It is recommended that the language be amended to delete "represented by". Claims 4-12, 17, and 18 depend from these claims, but do not clarify the indefiniteness.

Claims 1, 3, 4, 14, and 16 recite "corresponding" when referring to an analogue or substituted peptide. It is unclear what is meant by "corresponding to". It is recommended that the language be amended to delete "corresponding". Claims 5-12, 17, and 18 depend from these claims, but do not clarify the indefiniteness.

### **Claim Rejections - 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Andersen et al (U.S. Pat. No. 5,955,077).

Claim 14 is drawn to a kit comprising SEQ ID NO:14. Since only one element is recited, a composition comprising the one and only element fulfills the claim.

Andersen et al teach a composition comprising SEQ ID NO:14 (Claim 26).

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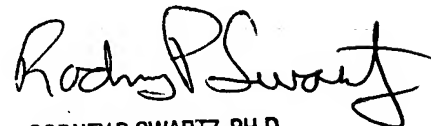
### Conclusion

13. No claims are allowed.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM EST.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F. Smith, can be reached on (571)272-0864.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RODNEY P SWARTZ, PH.D  
PRIMARY EXAMINER  
Art Unit 1645

March 21, 2005